



**ATTORNEY GENERAL – CIVIL AFFAIRS**

United States Bankruptcy Court  
450 Golden Gate Avenue, 18th Fl.  
Mail Box 36099  
San Francisco CA 94102  
United States of America

**FILED**

NOV 20 2020

UNITED STATES BANKRUPTCY COURT  
SAN FRANCISCO, CA

Oslo, 6th November 2020

In Re:

Harvey Robert Klyce, Debtor Bankruptcy  
Linda S. Green, Trustee in Bankruptcy  
Plaintiffs

**Case No.: 19-30207**

Chapter: 7

vs.

Vanja Elisabeth Flak Defendant  
Norwegian State Educational Loan Fund,  
(Statens lånekasse for utdanning)  
Defendants

Adversary Proceeding No. 19-03051

**1** I acknowledge receipt of the plaintiff's pleadings of September 29<sup>th</sup> 2020 and the Amended Notice of Hearing.

**2 The Facts**

**2.1** In its recent pleadings at ¶¶1 through 5 the plaintiff is dealing with the "Factual Background", claiming that *"there are no disputed material facts"*. I am writing to supplement and correct the facts presented by the plaintiff.

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**2.2** From the documents already submitted to the Court it is evident that the transfer (“wire out”) of USD 21.000 on the 11<sup>th</sup> January 2019 was not a transfer made to the NSELF. The plaintiff has offered no explanation as to who received this amount.

**2.3** It is incorrect that *“This \$21,000 payment is reflected on the debtor and his spouses USAA bank account”* (§3) in so far as the plaintiff is claiming that the recipient of that transfer was the NSELF. Neither the declaration now made by Linda S. Green nor the bank statement (Exhibit B) state who received the amount.

**2.4** What the Fund received – more than two months later, on the 26<sup>th</sup> March 2019 – was a different amount, in a different currency: NOK 150.000.

As explained in para 4.2 in my answer to the Court, the payment made by Mrs. Flak to the NSELF was from her own bank account. To further clarify this point I present to the Court evidence that the bank account in question was Mrs. Vanja Flak’s own in the Norwegian branch of Nordea Bank; a Swedish Bank.

The enclosed Exhibit A – an e-mail from the Nordea Bank made to the NSELF – confirms that the Norwegian bank account 6321 10 53358, from which Mrs. Flak made the payment to the NSELF, was in her name, and that neither Mr. Klyce nor any other person were authorized signatories of the account. The bank’s statement to the NSELF reads as follows:

*“It is Vanja Flak born 29 08 76 [August 29<sup>th</sup> 1976] who is the holder of account 6321 10 53358.*

*I cannot see that there are others who has the right to dispose over this account.”*  
(Norwegian text in yellow in Exhibit A; my translation)

**2.5** The “discrepancy” (for which the plaintiff has no explanation, ¶4) between USD 21.000 (wired out from the US account) and NOK 150.000 (received by the NSELF) is easily explained:

- these are two different transfers,
- made by different persons,
- from two different accounts,
- on different dates,
- to different recipients

**2.6** Hence, it cannot be disputed that NSELF did not receive the USD 21.000. The fund did receive nothing from any American source.

### 3 The defendant's position

3.1 On the one hand, it is evident that Mrs. Flak's down payment of NOK 147.087<sup>1</sup> on her loan from NSELF was received by the NSELF from her Norwegian bank account. This was the account she regularly used.

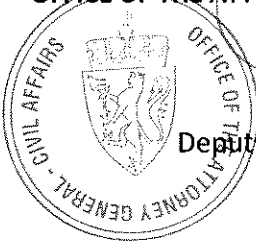
3.2 The NSELF had no information indicating that any other person than Mrs. Flak made the payment or was the source. Neither, of course, had the NSELF any information about Mr. Klyce's affairs, his insolvency or any transfer made from the American bank account.

3.3 In the spirit of co-operation with the Court and the bankruptcy estate, the NSELF is willing to stipulate that the down payment of NOK 147.087 made by Mrs. Flak to the Fund in fact stemmed from the money (USD 21.000) she two and a half months earlier (directly or indirectly) received from the spouses' US bank account.

3.4 My client asks the Court to apply relevant US law to these facts. Unless there is a legal basis for the claim raised by the bankruptcy estate, the Court is asked to find in favour of the NSELF.

3.5 The consequence of any adverse finding by the Court cannot exceed the equivalent of NOK 147.087.

3.6 Given the presentation made by the plaintiff there is in no event reasonable grounds for ordering the NSELF to pay costs of suit.

Oslo, 6th November 2020  
OFFICE OF THE ATTORNEY GENERAL (CIVIL AFFAIRS)  
 *Tolle Stabell* TORJE SUNDE FOR  
Tolle Stabell  
Deputy Attorney General  
advokat

A copy of this letter and its Appendix A has been sent by mail and by e-mail to:

Douglas B. Provencher  
Law Offices of Provencher and Flatt  
823 Sonoma Ave.  
Santa Rosa CA 95404-4714, USA

<sup>1</sup> As explained in para 4.1 in my answer to the Court, the rest of the transfer (NOK 2.766,84 + NOK 146,16) was paid by Mrs. Flak as the regular monthly payment.

The defendant requests the court take judicial notice of the following document:

<b>Exhibit</b>	<b>Document</b>	<b>Filed</b>
<b>A</b>	E-mail 8 <sup>th</sup> October 2020 (at 15:29) from Nordea Bank, Cash Management Customer Service (Essendrops gate 7, 0368 Oslo, Norway) to Lånekassen [NSELF]	October 8 <sup>th</sup> 2020

# EXHIBIT A

## Tolle Stabell

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**Fra:** Steve Byermoen <steve.byermoen@lanekassen.no>  
**Sendt:** fredag 16. oktober 2020 14:48  
**Til:** Tolle Stabell  
**Emne:** VS: #nordea\_CSWNO:2547853# Bistand fra Nordea

Jeg viser til telefonsamtale nå nylig og videresender korrespondansen nedenfor som avtalt. Er dette tilstrekkelig i denne omgangen?

Vennlig hilsen

Steve Byermoen  
seniorrådgiver

Utviklingsavdelingen  
Lånekassen  
Tlf: 976 78 131

**Fra:** AM NO Hanne Gjerde <Cmcustomerservice.No1@nordea.com>  
**Sendt:** torsdag 8. oktober 2020 15:29  
**Til:** Regnskap Ekstern-post <regnskap@lanekassen.no>  
**Kopi:** Nina Kristin Hallås <Nina.Hallas@lanekassen.no>; Magnus Andersen <Magnus.Andersen@lanekassen.no>  
**Emne:** #nordea\_CSWNO:2547853# Bistand fra Nordea

Hei!

Det er Vanja Flak født 29 08 76 som er innehaver av konto 6321 10 53358.  
Jeg kan ikke se at det er flere disponenter på denne kontoen.

Med vennlig hilsen

Hanne Birgitte Gjerde  
Account Manager

Nordea | Transaction Banking | Cash Management Customer Service  
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**Looking for quick answers? You can now easily find video tutorials and FAQs on the Nordea website**

Nordea Bank Abp, filial i Norge, Essendrops gate 7, Postboks 1166 Sentrum, 0107 Oslo, 920958817 MVA (Foretaksregisteret)  
Nordea Bank Abp, Helsingfors, Finland, 2858394-9 (Patent- och registerstyrelsen)

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United States of America

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